

IN THE MATTER OF:)	
)	
CITY OF VISTA)	
CITY OF CARLSBAD)	
SANITARY SEWER SYSTEM)	
BUENA VISTA PUMP STATION)	COMPLAINT NO. R9-2007-0099
SEWER MAIN)	FOR
SAN DIEGO COUNTY)	ADMINISTRATIVE CIVIL LIABILITY
)	
)	
)	VIOLATION OF STATE BOARD
)	ORDER NO. 2006-0003-DWQ
)	

1. The City of Vista and the City of Carlsbad (Dischargers) are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, §13350 of the California Water Code (CWC). The violations alleged herein include violations of a prohibition in waste discharge requirements for the discharges of untreated sewage into waters of the state.
2. The Buena Vista Pump Station is located on Jefferson Street south of Highway 78 within the City of Carlsbad. The Buena Vista Lagoon is located near the intersection of I-5 and Highway 78, within the City of Carlsbad and City of Oceanside.
3. This Administrative Civil Liability Complaint is issued under authority of Water Code Section 13323.
4. The Dischargers are required to operate and maintain their sewage collection systems to prevent sanitary sewer overflows and spills in compliance with requirements of State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems
5. The Dischargers discharged untreated sewage to a water of the United States in violation of Prohibition C.1 contained in State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

September 28, 2007

ALLEGATIONS

6. The Dischargers violated Prohibition C.1 of Order No. 2006-0003-DWQ by discharging 7.3 million gallons of untreated sewage from March 31, 2007 through April 3, 2007 from their 24-inch diameter sewer main at the Buena Vista Pump Station to Buena Vista Lagoon, a water of the United States.

PROPOSED CIVIL LIABILITY

7. Persons or entities that discharge waste in violation of Waste Discharge requirements are subject to civil liability pursuant to CWC Sections 13350, either on a daily basis not to exceed five thousand dollars (\$ 5,000) for each day the violation occurs, or on a per gallon basis, not to exceed ten dollars (\$ 10) for each gallon of waste discharged, but not both. The statutory maximum ACL amount for the March 31, 2007 through April 3, 2007 sewage discharges therefore is \$ 73,000,000.
8. It is recommended that, pursuant to sections 13350 (a) and (e)(2) of the CWC, the Regional Board impose a civil liability of one million ninety-five thousand dollars (\$1,095,000) on the Dischargers for the violations alleged herein.
9. The factual and legal bases supporting this Complaint are contained in the attached "Staff Report Buena Vista Lagoon Sewage Discharge City of Vista & City of Carlsbad."

Dated this 28 day of September 2007

BY THE EXECUTIVE OFFICER



MICHAEL McCANN

Assistant Executive Officer (Acting)

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer